

Working Paper No. 121

# Aspects of Land Reforms in Uttar Pradesh as Emerged in a Workshop Deliberations

494

**Dr. Fahimuddin**

GIDS Library

40681



1333.31 FAH

**GIRI INSTITUTE OF DEVELOPMENT STUDIES**

**Sector O, Aliganj Housing Scheme**

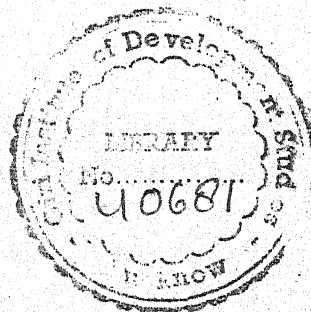
**LUCKNOW-226 020**

I  
333.31  
FAH

1994

Working Paper No.121

ASPECTS OF LAND REFORMS IN UTTAR PRADESH  
AS EMERGED IN A WORKSHOP DELIBERATIONS



✓  
J  
33.31  
FAH

Dr Fahim Uddin

GIRI INSTITUTE OF DEVELOPMENT STUDIES  
Sector O, Aliganj Housing Scheme  
LUCKNOW 226 020

1994



ASPECTS OF LAND REFORMS IN UTTAR PRADESH AS EMERGED  
IN A WORKSHOP DELIBERATIONS

Dr Fahim Uddin

Land reforms as a measure to achieve growth with social justice remained an important policy option during first decade after Independence. Lately it receded into background despite the rhetoric in Plan documents. Instead new technology was seen as substitute for political sensitive land reforms. Also, the history of land reforms in the country shows that these programmes have been necessitated to contain rural unrest. The recent revival of land reforms as a core of development strategy is also the outcome of such historical reality as the growing land hunger have pushed various States of the country on the brink of agrarian unrest, social tension and political upheaval.

Such renewed necessity of land reforms for rural development called for reassessment of policy challenges for real achievements instead of remainin only pious intentions. The Lal Bahadur Shastri National Academy of Administration, Mussoorie, apart from training top bureaucrats of the country, has also endeavoured to give reorientation to the policy of land reforms by studying and initiating discussion on its challenges and choices to make the policy more

pragmatic and realistic. The academy, in collaboration with research institutes of different States of the country has organised number of Workshops to highlight the problems in the way of effective implementation of land reforms in different States. One such Workshop was in collaboration with the Giri Institute of Development Studies, Lucknow, Ministry of Rural Development, Government of India and the U.P. Revenue Department at the Giri Institute of Development Studies, Lucknow during September 21-23, 1992.

Seven basic aspects of the land questions were discussed e.g. (1) concept and general issues; (2) land ceiling; (3) tenancy; (4) Gaon Sabha land; (5) land records; (6) consolidation of holdings; and (7) tribal land and its alienation.

#### Land Reforms : General Issues

The first Session of the Workshop focussed to the discussion on some general issues of land reforms. Shri Ramapati Shastri, Ex-Revenue Minister, U.P., in his inaugural address acknowledged the role of land reform as an attractive tool of increasing asset base and income of rural poors. He explained various shortcomings of the present land reforms laws and requested the learned participants to suggest appropriate policy measures for the effective implementation of land reforms in U.P. Prof. B.K. Joshi, Director, Giri Institute of Development Studies, Lucknow underlined the

evolution of various land reforms and agrarian measures initiated in U.P. since 1947 and their impact on the restructuring of the rural society. Prof. Joshi pointed out that the purpose of U.P. Zamindari Abolition and Land Reforms Act, 1950 was defeated as the peasantry was asked to bear the burden of abolishing the Zamindari System and also to compensate the Zamindars for their losses. Moreover, there was no provision of ceilings on land holdings which provided sufficient time to Zamindars to consolidate their position as rich farmers. Dr. P.D. Shrimali explained very precisely the various lacunas of implementation of all the three land reform legislations implemented in U.P. He reached the conclusion that the land reforms remained an 'unfinished business' in U.P. He pointed out that the foremost necessity is to revive and put to force a bold programme of land distribution on the basis of the concept of 'Land to the actual tillers', allowing scope for only those who participate in the farm work. Prof. G.P. Mishra, Giri Institute of Development Studies, Lucknow explained that while the U.P. Zamindari Abolition Act tried to dismantle the feudal structure, it could not be achieved since the feudal mode of appropriation only changed its form. Although some land was transferred to the landless, the element of monopolistic control was not removed. Even during the Green Revolution those having higher land holdings prospered at the cost of small and marginal farmers. Thus, according to Prof. Mishra, the post-land reform scenario in U.P. presents a case of lumpen form of capitalist development in its agrarian sector. Prof. B.N.



Verma of Indian Institute of Public Administration explained the need of land reforms in U.P. and examined the various land reforms measures initiated since Independence. He emphasized the people's participation along with solving operational and administrative questions for effective implementation of land reforms.

Shri Hiranmay Dhar, Giri Institute of Development Studies, Lucknow who was discussant in the Session pointed out that two important issues have not found place in any of the papers presented during the Session. According to him (a) no attempt has been made to analyse the rural power structure; and (b) an indepth study was also needed to look into the process of implementation of land reform and reasons which proved a bottleneck in the proper implementation of land reform measures.

### Land Ceiling

The discussion on the effectiveness of land ceiling legislation followed the presentation of significant findings of the studies conducted by various scholars. Dr Neelmani P Verma was the first to present his paper on Implementation of Land Distribution in U.P. Dr Verma pointed out three sources of Surplus land generation in U.P. (a) The existing barren and other unused land may be made fertile and useable; (b) the ceiling limit may be lowered; (c) the irrigation level may be raised so that more land areas may come under ceiling



limit. Dr Verma preferred the strategy of land prouement and distribution. Some of the participants disagreed with Dr Verma's view by pointing out the welfare impact of such move would be negligible as the poor cannot invest in its reclamation and the state may be hesitant to put huge investment due to financial crunch. Dr Kripa Shankar, G.B. Pant Institute of Social Sciences, Allahabad, very strongly pleaded for the purchase of land by the Government from the land market and reselling it to the poor and landless on easy terms. He based his argument on the experience of Japan where Government purchased land at fixed prices and resold it to tenants on easy terms. As a result, he added, that before this strategy 54 per cent of the land in Japan was owner operated. Though this point was well taken but the participants particularly the Revenue officials raised various legislative and legal difficulties in its practical implementation.

Prof. K. Gopal Iyer of Lal Bahadur Shastri National Academy of Administration, Mussoorie presented some significant findings of a study conducted by IAS Probationers of 1987, 1988 and 1989 batches on Land Ceiling in U.P. He highlighted in detail the fact that how Land Ceiling Act of 1960 was turn out to be a mere eyewash. Large scale land transfers were noticed before the introduction of this bill which reduced the potential surplus. The Ceiling Act of 1960 has many loopholes which was amended in 1973 but the implementation did not have smooth sail. Nearly half of the

surplus ceiling owners failed writ petition in High Court and stays were granted. The details recommendations like setting up of special high court tribunals for speedy disposal of ceiling cases, ceiling limits of land held by religious and charitable institutions should be on the lines of West Bengal, Karnataka and Assam and reduction of ceiling limit of 7.5 ha. of irrigated land to 5 ha. were made. Shri R.S. Lal Srivastava, Deputy Commissioner, Land Reforms, U.P. put forth his view very convincingly that instead of reducing ceiling limit, lest remaining holding may become uneconomical, all possible effort should be made to implement the existing ceiling laws more effectively. He suggested that the definition of ceiling limit of irrigated and unirrigated land needs to be amended, various exemptions granted under Section 6 of the Act are to be reviewed and speedy disposal of court cases and payment of compensation of landlord for his surplus land at market rates may prove to be effective measures to implement the ceiling Act more effectively.

Justice K.N. Mishra, Ex-Judge, Allahabad High Court presented some problems and remedial steps in the implementation of ceiling act in U.P., notable the litigation. He explained how the writ petitions are filed in various courts and the cases remained undecided till decades. He suggested the State to create a legal task force to meet the blatant abuse of process of law. Justice Mishra also vehemently supported the view that ceiling limit in U.P. should not be reduced. In the discussion that followed, Shri Venkat



Ramani, Member, Board of Revenue, U.P. Government, asked the participants to think of the very relevance of land ceiling as articulated by various Kisan Organisations of the State. The Kisan Organisations advocate, according to Shri Ramani, that when there is no ceiling limit of urban land or industry then why there should be ceiling limit of agricultural land.

The large majority of participants disagreed with this view by explaining that since ceiling is a means to provide 'land to the tillers', changing the income, social status and power strength in rural areas, it can not be abandoned at this stage when alternative employment prospects are so bleak in rural areas and large number of people are landless and depending on land for their livelihood. Prof. B.K. Joshi, Prof. G.P. Mishra, Prof. A.K. Singh, Dr Yugandhar, Justice K.N. Mishra, Dr. Kripa Shankar and others expressed their arguments in support of the above view.

#### Tenancy Reforms

Dr D. Bandyopadhyay, Ex-Executive Director, Asian Development Bank and Dr. Kripa Shankar were the Chairperson and discussant respectively of the Session on Tenancy Reforms. In the start both of the Scholars referred the large scale prevalence of concealed tenancy in U.P. as an instrument of exploitation as well as of Social Control and hegemony. Prof. K. Gopal Iyer of Lal Bahadur Shastri National Academy of Administration was the first to present the findings of empirical data collected by the IAS Probationers. The

findings highlighted the fact that tenancy contracts play a major role in the economy of farm households in U.P. despite abolition of tenancy in U.P. Zamindari Abolition and Land Reforms Act, 1960. The study reinforced the findings of Kripa Shankar, Sharma and Dreze and Ravi Srivastava that in U.P. large proportion of tenants belong to the exploited class of poor peasants for whom recognition of tenancy legally is related to the very question of their survival. It was recommended in the study that tenancy should be immediately brought on record and made legal. Occupancy right should be conferred on those who are continuously working as tenant/share-cropper for three years and fair rent should be fixed at 1/5th of the gross produce.

The results of a quick survey on tenancy conditions in U.P. by Prof. G.P. Mishra, Shri Hiranmay Dhar and Dr Fahimuddin of Giri Institute of Development Studies, Lucknow, were presented which provided further supportive evidences and authenticity to the study of IAS Probationers. It was pointed out that share cropping, fixed cash and fixed kind were the kinds of tenancy found in the study area but share cropping was the dominant type. Owner tenants are mostly share croppers and pure tenants number more in fixed kind type. Fixed cash and fixed kind types tenancy are found mostly in wheat and other higher value crops. In share cropping usually half of the produce is taken away by the landlord. There are instances in Saharanpur district where landlord takes 3/4th of the produce. Extensive practice of



cost share was noticed. The duration of tenancy was generally two years and the lessors were big peasants and lessee normally the poor peasants and landless one. The dominant cause of leasing out was more paying to lease out and landlords preferred tenants with implements.

Dr M. Ehsanulla of Sibli College, Azamgarh presented his paper on tenancy reforms, poverty alleviation and policy options. His findings were more or less as reported by earlier speakers. His suggestion for regulation of rent at the level of 25 per cent of the gross produce as against the market level of 50 per cent was well taken by participants. Mr Vishwanath Mishra, National P.G. College, Gorakhpur maintained in his presentation of paper that despite the prevalence of semi-feudal mode of surplus appropriation the capitalist mode of production is gaining ground in Eastern Uttar Pradesh. Some of the participants strongly refuted this conclusion.

Dr Sharat Kumar of Lal Bahadur Shastri Academy of Administration also presented some of the problems of land concentration and incidence of tenancy. In the discussion that followed after paper presentation, it was forcefully argued that tenancy should be made legal on the lines of West Bengal as it confirms to ground reality. Dr Yugandhark and Shri P. Bandyopadhyaya vehemently pleaded for the same. Shri P. Bandyopadhyaya dwelt upon his experiences of executing the "Operation Berga" in West Bengal. He pointed out that

"Operation Berga" could be effectively implemented because tenants were taken into confidence and the State backed. The Revenue Secretary, Government of U.P. pointed out practical difficulties in recording the tenants name in U.P. However, he agreed to the consensus of the participants that tenancy should be recognised and tenants rights are to be safeguarded in U.P.

Distribution of Gaon Sabha Lands and  
Access to CPR's to Weaker Sections

The deliberations on the distribution of Gaon Sabha lands and access to CPR's invoked considerable discussion among the participants. Prof. K. Gopal Iyer presented the findings of the data collected by IAS Probationers of 1987, 1988 and 1989 batches in different sub-zones of U.P. The analysis indicated that the scenario of availability of Government land was generally depressing in U.P. The allotment of Gaon Sabha land had generally been given to the weaker sections as per the norms envisaged but appalling deviation to the situation was observed. There were districts where more than half of allotted land had been made over to the dominant upper castes and backward castes. The allottees not in physical possession of land were quite sizeable. The socio-economic impact of allotted land was generally dismal in view of the poor quality of allotted land.



The findings of a micro level study conducted by Prof. A.K. Singh, Shri D.K. Bajpai and Shri P.S. Garia of Giri Institute of Development Studies, Lucknow highlighted number of shortcomings in the implementation of land distribution programme viz. poor quality of distributed land, good number of cases in which allottees could not get possession and lack of enough resources on the part of allottees to put the allotted land under production use. Prof. Singh made a significant point that the distribution of Gaon Sabha lands may possibly help to few poors but it restricts access to common property resources to other rural poors. Keeping this consideration in view he emphasized to evolve an appropriate policy programme for the diversification of rural economy and employment expansion in non-farm sector vis-a-vis the development of common property resources in each village through community action.

One interesting paper based on the field training studies of IAS Probationers on the comparative management scenario of CPR's in U.P. and Punjab was presented by Prof. Brij Pal Singh of Lal Bahadur Shastri Academy of Administration. The Punjab situation was observed to be quite in contrast to that of U.P. Common land in Punjab villages was well managed while CPR's were found to be dwindling in quantum and quality in U.P. villages. The U.P. case was found to be quite dismal as neither the access of poors to CPR's nor the enactment of law for the preservation of CPR's seems to solve the problem. Prof. Singh made a

conclusive point that changing the economic compulsions may be appropriate and convenient route compared to others in U.P. Mr. Avdhesh Kaushal, Chairman, Rural Litigations and Entitlement Kendra, Dehradun emphatically elaborated the impact of defunct bureaucracy on the land distribution and freed bonded labour of Chakrata area of Dehradun district.

Dr. M.L. Kybri of Dehradun touched upon the issue of Waste Land Development and utilization. According to him about 5 million ha. of land which constituted around 14 per cent of the total geographical area of the State is wasteland. If it is viably reclaimed then it can be put for agriculture and other uses.

In the discussion after the presentation of paper, Prof. G.P. Mishra of Giri Institute of Development Studies, highlighted the theme of the papers presented in this session. He emphasized to probe the issues like : (i) how to protect the interest of weaker sections of the society through land distribution; (ii) how can common property resources may be made open for the poor; and (iii) how the legal, social and political aspects may be taken into account to develop perspective about common property resources.

Shri Ashok Chaudhary of Vikalp Social Organisation and Shri Ram Surat Singh of Communist Party of India cited the cases of Gaon Sabha land distribution and management of CPR's from Saharanpur district to explain that the progress has done more harm than good to the rural poor people as social



tension between rich and poor; upper and lower caste has surfaced. Some of the participants appreciated the point made by Prof. Brijpal Singh but others disagreed with a view that due to the large poor population in U.P., the better management of CPR's can be a effective tool of poverty alleviation. While the appreciation was expressed for U.P. Government decision to issuing of Kisan Bahis, a document showing land, caste, residence, income and other related records of farmers, the participants recommended for setting up a monitoring cell at the district level and provision of Rs.3000 pr acre to the allottees for the development of his land.

#### Computerisation of Land Records

The paramount need to computerise the land records in U.P. was stressed upon by Dr (Mrs) Dash, Principal, System Analyst of National Information Centre in her paper on "Perspectives on Computerised Land Information System." She notified that NIC is proposing to develop an integrated data base comprising of all the land information. Dr Prakash Goel of NIC, U.P. State Unit, reviewed the land record management system in U.P. and put forth that the usual system has done much damage to the interests of the farming community so far. What we need today is the availability of basic land data with utmost speed, accuracy and security to the user of such data. Since now all the districts of U.P. are inter-connected with NICNET facility, the computer based land

management system can, thus, also prepare 61-kha., a land record which contains the total land holdin of a person in different districts.

Shri Rajiv Prakash Saxena, Co-ordinator, U.P. State NICNET, Shri Sunil Krishna, DIO, Kanpur Dehat and Shri Kirti Saxena, IES, Planning Commission explained the various advantages and problems of computerisation of land records in their paper "On the Computerisation of Land Records : The Need of the Hour." They stressed that since data entry of land records is large enough, the Government should involve private agencies for the purpose. Keeping in view the voluminous nature of the job, they expect that 2-3 years time will be needed to computerise all the land records in U.P. Shri Rajiv Saxena of NIC presented some practical problems encountered by him during the process of land record computerisation in Kanpur Dehat. The foremost problem, according to him, was the non-cooperative attitude of the Lekhpals. He observed that the computerisation of land records are so extensive that with the use of existing resources it will take a decade to computerise all land records of Kanpur Dehat only. Therefore, additional hardware, manpower and finance will be required to complete the job in two years. The participants to the discussion did not dispute the usefulness of computerisation of land records. However, the general view was that the computerisation work should be started first in few pilot districts instead of simultaneously taking the task in all the districts of U.P.



The districts where consolidation of land holdings are in progress or are to be taken up or where there are large scale complaints of land records may be taken up later. It was suggested to standardise the software, operating system and procedures for the successful implementation of the programme.

### Consolidation of Land Holdings

In the Session of Workshop on Consolidation of Land Holdings, Shri Ramesh Chandra, Consolidation Commissioner, U.P. presented his paper by tracing the history of consolidation in U.P. and highlighted the basic limitations found in the process of consolidation. He pointed out that the valuation of land poses a great problem as the influential land owner in collusion with consolidation staff manage a lower valuation such that they can get larger land area in exchange. The discrepancies have been so such that within the same village there have been differentials in land valuation. The process of "Udan Chak" is also not in favour of poor peasants as they are provided scattered plots.

Common land is generally left scattered in the villages and house sites to harijans and weaker sections are provided at distance away from their present dwellings. He opined that the Constitution of the Consolidation Committee as per provision of the Act, proper land valuation, provision of link roads and common lands are some of the critical points to consider if the purpose of consolidation is to succeed.

Prof. Brijpal Singh presented the theme of the paper of Shri Nitin Gokarana and Deepak Kumar. The paper, a case study of consolidation of land holdings in Saharanpur and Gorakhpur districts provided further support to views already expressed by the Consolidation Commissioner, U.P. However, one important point was made in the paper that the Ceiling cases should be linked with consolidation of holdings. In case the ceiling and consolidation is coordinated, a fairly good idea of actual surplus land could be get in the State. The discussion which followed came up with various suggestions. It was pointed out that the value of land should be estimated on the current quality of land as the quality of land changes over the years as compared to what is on the records. The need was also felt for the computerisation of the programmes with legal, organisational and operational integration.

#### Tribal Land and Forest Area

The last Session of the Workshop covered the issues of tribal and forest area. Dr B.D. Sharma, Ex-Commissioner, SC/ST's, acted as a Chairperson and Dr B.R. Rizvi, Joint Director, Anthropological Survey of India, as discussant. Dr Amir Hasan was the first to present his paper on "Land Reforms in Tribal Areas : A Study of Problems due to Governmental Measures." He explained the chronology of land reform measures in the tribal belt of Sonbhadra district of the U.P. The failure of the State Government to confer the ownership right of land to the adivasis and to demarcate the forest



land from non-forest areas, largely account for various land and forest problems in this tribal area. The political will on the part of State Government was observed to be lacking as a result of which tribals are fast losing their faith in the fairness of State apparatus. Dr B.R. Rizvi in his paper on the system of land tenure and the tribals of Uttar Pradesh referred to the twin problems which tribal population is encountering in U.P. (i) The tribals in forest villages continued to have no tenancy right despite owning land for long period; (ii) The new forest policy has not recognised the traditional privileges of tribals in forest. Thus, take away the forests and turn a proud tribe into a band of beggars is the dictum of State forest policy.

Dr Y.P. Singh of the Giri Institute of Development Studies, Lucknow examined the structural changes in the operational holdings of SC/ST's in U.P. and concluded that half-hearted land reforms in the State resulted in small area surplus land and small proportion beneficiaries. He suggested that the land redistribution programme and tenancy reforms should be streamlined and recasted in such a way to ensure their benefits to reach the under-privileged section of the society. Dr Amir Hasan presented the paper of Dr C Shastri of U.P. Development Systems Corporation which highlighted the displacement and resettlement of families due to the construction of Rihand Valley Project and Singrauli Coal field. The payment of compensation at very low rate and the distribution of poor quality unirrigated land has

40681

aggravated the sufferings of the tribals. Shri P.K. Bandopadhyaya pointed out the spatial spread of tribal population in U.P. and prevalence of unlicensed money lending and usuary. There was little reference to the question of land and forest. Participating in the discussion Shri Ashok Choudhary of Vikalp Social Organisation, Saharanpur expressed his concern about the displacement of tribals population due to the declaration of National Park in 1983. Dr B.D. Sharma also deplored the forest policy in particular and other forms of government intervention in tribal life in general. Dr Sharma's view point was strongly refuted by Shri Venkat Ramani, Member, Board of Revenue, U.P. Government, by emphasizing that due to government policies the socio-economic conditions of tribals have improved considerably. However, most of the participants expressed concern about the problems of tenancy right, forest and displacement. It was consensus that an appropriate model should be evolved to protect the rights of tribals in forest area of the State. A national level debate was suggested by some participants regarding the tribal problems and their rights so that a concrete solution may emerge for the country as a whole.

On the whole, the land reforms as a means to achieve growth with social justice was accepted by most of the participants of the Workshop. However, definite reorientation in the policy was called for to make these reforms more effective and realistic.